

1982 WL 189428 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 16, 1982

**\*1 RE: Opinion Request**

Mr. John Stephen Hooks, Jr.  
Special Assistant for Legal Affairs  
Office of the Governor  
Post Office Box 11450  
Columbia, South Carolina 29211

Dear Mr. Hooks:

You have asked whether or not the Public Service Commission is mandated by Chapter 23 of Title 58, SOUTH CAROLINA CODE OF LAWS (1976), to regulate motor vehicle carriers operated by certain counties. The above-referenced Chapter is a general law which provides for state-wide, rather than local, regulations. This is somewhat analogous to state regulations of county educational functions. Therefore, this Chapter does not offend the Home Rule Provisions of [Article VIII, Section 7, Constitution of South Carolina](#). [Van Fore v. Cooke](#), 273 S.C. 136, 255 SE2d 339 (1979).

Absent violation of the Home Rule Amendment or some other provisions of the Constitution, the General Assembly has plenary power over the affairs of the various counties. [Cox v. Bates](#), 237 S.C. 198, 116 SE2d 828 (1960). Because no repugnancy to any specific constitutional provision is apparent, it is the opinion of this office that Chapter 23 of Title 58 is a valid exercise of legislative authority and includes county motor vehicle carriers within its regulatory scheme. Of course, your attention is called to the express statutory exemptions, such as school buses, etc.

You have also asked whether such county motor vehicle carriers may cross county lines as long as only county residents are served. There does not appear to be any provision in case or statutory law which would limit the operation of county vehicles within the confines of the county. It is the opinion of this office that county vehicles may leave their home counties while conducting only county business or serving only county residents.

I trust that this has answered your questions sufficiently. If not, please feel free to call.

Sincerely,

Clifford O. Koon, Jr.  
Assistant Attorney General

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